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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ECOLOGICAL RIGHTS FOUNDATION, a
non-profit corporation,

Plaintiff,

v.

U.S. ENVIRONMENTAL PROTECTION
AGENCY,

Defendant.

Civil Case No. 3:20-cv-6893

JOINT STATUS REPORT

Defendant United States Environmental Protection Agency (“EPA”) and Plaintiff Ecological Rights Foundation (“Plaintiff”) (collectively “the Parties”), by and through their counsel, hereby submit this Joint Status Report in this Freedom of Information Act (“FOIA”) action.

Following the Parties’ November 5, 2021 Joint Status Report, Dkt. 30, EPA made a discretionary release of additional records on November 23, 2021. Thereafter, the Parties engaged in additional meet and confer efforts, which further narrowed, but did not eliminate, the outstanding issues.

Plaintiff has provided EPA with a list identifying the specific records that remain in dispute at present. At issue are (i) fifty-five (55) records withheld in part under Exemption 5; (ii) one (1) record withheld in part under Exemption 6; and (iii) forty-four (44) records withheld in their entirety under Exemption 5. At this juncture, the Parties agree that summary judgment practice is necessary to resolve these disputed issues.

Accordingly, the Parties stipulate to the following briefing schedule for the filing of cross-motions for summary judgment:

EPA’s motion for summary judgment and <i>Vaughn</i> index	January 28, 2022
Plaintiff’s cross-motion and opposition	March 9, 2022
EPA’s reply and opposition to cross-motion	March 30, 2022
Plaintiff’s reply	April 20, 2022

The Parties respectfully request that the Court enter the briefing schedule set forth above and schedule a hearing date as early as possible following the completion of briefing, as convenient for the Court.

DATED: December 15, 2021

Respectfully submitted,

STEPHANIE M. HINDS
Acting United States Attorney

/s/ David M. DeVito*

DAVID M. DEVITO
Assistant United States Attorney

DATED: December 15, 2021

Respectfully submitted,

/s/ Stuart Wilcox

STUART WILCOX
Counsel for Ecological Rights
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**In compliance with Civil Local Rule 5-1(i)(3), the filer of this document attests under penalty of perjury that plaintiff has concurred in the filing of this document.*